

**AMENDMENTS TO THE SPECIFICATION**

**Please delete the present Abstract of the Disclosure.**

**Please add the following new Abstract of the Disclosure:**

The present invention provides a non-aqueous electrolyte secondary battery having high energy density and satisfactory cycle performance by using an alloy comprising Ni and Sn as a negative active material. The non-aqueous electrolyte secondary battery comprises a negative electrode with a composite layer containing a negative active material, a positive electrode and a non-aqueous electrolyte. The negative active material consists of an alloy containing 5 to 25 mass% of nickel and 75 to 95 mass% of tin and the alloy contains  $\text{Sn}_4\text{Ni}_3$  phase and Sn phase. It is preferable that the content ratio of  $\text{Sn}_4\text{Ni}_3$  phase and Sn phase in the alloy be  $0.2 \leq Z \leq 3$ , when  $m_1$  is the mass of  $\text{Sn}_4\text{Ni}_3$  phase,  $m_2$  is the mass of said Sn phase, and  $Z = m_1 / m_2$ ; and that the composite layer contain carbon material.